

packed therewith, so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Qualita Superiore," "Olio Puro," "Garantito * * * Sotto Qualsiasi Analisi Chimica," and "¼ Gallon Net," together with the designs and devices of the map of Italy and the Italian flag, borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and that each of said cans contained ¼ gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and that each of the cans contained ¼ gallon net of the article, whereas, in truth and in fact, said article was not olive oil, but was a mixture composed in part of cottonseed oil and peanut oil, it was not a foreign product, to wit, an olive oil produced in the Kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain ¼ gallon net of the article, but did contain a less amount. Misbranding was alleged for the further reason that the statements borne on the cans aforesaid purported that said article was a foreign product, when not so, and for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 23, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

E. D. BALL, *Acting Secretary of Agriculture.*

9383. Misbranding of Gauvin's Cough Syrup and Sirop D'Anis. U. S. * * *
v. 133 Bottles of Gauvin's Cough Syrup, et al., and 126 Bottles of Sirop D'Anis, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12485 to 12495, inclusive, 12620 to 12639, inclusive, 12644 to 12654, inclusive, 12654-a, 12671, 12685 to 12691, inclusive, 12752 to 12755, inclusive, 12782 to 12787, inclusive, 12846, 12847, 12862, 12863, 12870. I. S. Nos. 314-r, 316-r, 321-r, 323-r, 313-r, 315-r, 317-r, 318-r, 319-r, 320-r, 322-r, 306-r, 13088-r, 301-r, 13247-r, 309-r, 310-r, 324-r, 17805-r, 13249-r, 303-r, 307-r, 308-r, 13087-r, 13248-r, 13250-r, 311-r, 312-r, 325-r, 326-r, 13246-r, 328-r, 336-r, 332-r, 339-r, 338-r, 337-r, 335-r, 329-r, 333-r, 334-r, 331-r, 330-r, 327-r, 13091-r, 340-r, 342-r, 341-r, 343-r, 302-r, 346-r, 489-r, 488-r, 483-r, 486-r, 17806-r, 17807-r, 17812-r, 17808-r, 17809-r, 17811-r, 17810-r, 471-r, 469-r, 470-r, 472-r. S. Nos. E-2123 to E-2133, inclusive, E-2137, E-2140, E-2135, E-2151, E-2138, E-2139, E-2148, E-2149, E-2152, E-2142, E-2144 to E-2146, inclusive, E-2150, E-2155, E-2154, E-2153, E-2156 to E-2158, inclusive, E-2173, E-2175 to E-2177, inclusive, E-2184, E-2166, E-2169, E-2172, E-2167, E-2168, E-2170, E-2171, E-2183, E-2200, E-2207, E-2214, E-2215, E-2213, E-2141, E-2206, E-2264, E-2268, E-2269, E-2267, E-2284, E-2286, E-2288, E-2287, E-2295, E-2289, E-2332, E-2340, E-2345, E-2349, E-2350.)

During May and June, 1920, the United States attorney for the District of New Hampshire, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of approximately 4,542 bottles of Gauvin's Cough Syrup and approximately 6,400 bottles of Sirop D'Anis, at various points in New Hampshire, alleging that the articles had been shipped during the years 1916, 1917, 1918, 1919, and 1920, by J. A. E. Gauvin, Lowell, Mass., and transported from the State of Massachusetts into the State of New Hampshire, and charging misbranding in violation of the Food and Drugs Act, as amended. The bottles con-

taining the cough sirup were labeled: (English) “* * * For * * * ‘La Grippe,’ Whooping-Cough & all Affections of the Throat & Lungs.” A portion of the cartons in which the bottles were inclosed were labeled: (English and French) “* * * Recommended For * * * ‘la Grippe,’ Whooping Cough and all Throat and Pulmonary Diseases. * * * A safe and active Remedy for all Diseases of the Respiratory Organs: * * * La Grippe, Whooping-Cough and all Throat and Lung Diseases.” The circulars inclosed in these cartons were labeled: (English) “* * * Successfully used in all affections of the Throat, Bronchi and Lungs. * * * especially indicated in the treatment of all cases of Coughs, Colds, Catarrh, Asthma, Whooping-Cough, Influenza and in the first stages of Consumption. * * * Tuberculosis * * * ailments of the Chest; * * * Spasmodic Coughs, * * *;” (French) “* * * Used against all Affections of the Throat, Bronchi and Lungs. * * * Gauvin’s Cough Syrup is fully indicated for treatment of the most serious cases of Colds, Bronchitis, the most obstinate Catarrhs, Asthma, Whooping Cough, Grippe, Hoarseness, Influenza and the first stages of Consumption. * * * Tuberculosis * * * Epidemic Grippe * * * Disease of the Chest * * * Gastric Disorders.” Other cartons containing the cough sirup were labeled: (English and French) “* * * Recommended For ‘la Grippe’ Whooping Cough and all Throat and Pulmonary Diseases. * * * for all Diseases of the Respiratory Organs * * *.” The circulars inclosed in these cartons were labeled: (English and French) “* * * the greatest possibilities of a radical cure. * * * highly recommended for all Affections Of The Respiratory Organs. * * * its persistent use produces a beneficent relief in serious as well as desperate cases. * * * a remedy for all Affections of the Respiratory Organs: Throat, Bronchial Tubes and Lungs. * * * the use of Gauvin’s Syrup in the treatment of more severe cases of * * * Catarrh, as well as Asthma, Whooping-Cough, La Grippe, Hoarseness and Influenza have proven conclusively the efficacy of this remedy. * * * especially appropriate for the treatment of pulmonary diseases, because it constitutes the best antiseptic combination to check the progress of microbes in the respiratory organs, * * * it will relieve the worst cases * * *.” The bottles containing a portion of the Sirop D’Anis were labeled: (English) “* * * For Babies * * * This preparation is highly recommended in cases of Colic, Dysentery, Sleeplessness and painful dentition * * *;” (French) “For Babies This syrup is administered in cases of Colic, Diarrhea, Dysentery, painful Dentition, Sleeplessness, Coughs, Cold, etc.” The remainder of the Sirop D’Anis was labeled on the bottles as follows: “* * * For Babies * * * A preparation for soothing pain in cases of Colic, Dysentery, Coughs & Colds, recommended for babies and children when process of dentition is painful.” All of the cartons containing these bottles were labeled: (English) “* * * For Babies * * * This Syrup is administered for Infantile Colics, Dysentery, Coughs, Colds, Sleeplessness, etc.;” (French) “For Babies This syrup is administered in cases of colic, Diarrhea, Dysentery, Painful Dentition, Coughs, Colds, Sleeplessness, etc.” The circulars inclosed in these cartons were labeled: (English) “* * * (For Babies) * * * A preparation for soothing pain in cases of Colic, Dysentery, Coughs, Colds and Sleeplessness. Recommended for babies and children when the process of dentition is painful;” (French) “For Babies * * * A preparation for soothing pain in cases of Colic, Dysentery, Colds and Chills (Refroidissements). Recommended for babies and children when dentition is painful and when wanting sleep.”

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the cough sirup consisted essentially of extractives of wild cherry bark and spruce gum, sugar, alcohol, and water, and that the sirup of

anise consisted essentially of morphine acetate, alcohol, oil of anise, sugar, and water.

It was alleged in substance in the libels that the articles were misbranded for the reason that the above-quoted statements upon the labels on the bottles and wrappers and included in the circulars aforesaid were false and fraudulent in that the products contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 31, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9384. Adulteration and misbranding of Wood's Special Concentrated Sweetener. U. S. * * * v. One 5-Pound Can of Wood's Special Concentrated Sweetener. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13376. I. S. No. 12126-t. S. No. W-687.)

On August 27, 1920, the United States attorney for the District of Nevada, acting upon reports by the Secretary of Agriculture and the State Commissioner of Food and Drugs for the State of Nevada, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one 5-pound can of Wood's Special Concentrated Sweetener, remaining in the original unbroken package at Reno, Nev., alleging that the article had been shipped on or about June 6, 1920, by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Nevada, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a quantity of saccharin, to wit, approximately 60 per cent, had been mixed and packed with sugar, and had been substituted in part for sugar, said saccharin having no food value, and that the mixture of said saccharin in the contents of said can reduced, lowered, and injuriously affected its quality and strength and food value. Adulteration was alleged for the further reason that the article contained an added deleterious ingredient, to wit, saccharin, which said saccharin rendered the article injurious to health.

Misbranding was alleged for the reason that the article bore the following label, "Wood's Special Concentrated Sweetener 500—500 Soluble in Cold Water. Not sold as a drug. W. B. Wood Manufacturing Company, St. Louis, Mo.," which said statement, regarding the ingredients and substances contained in the article, was false in that the article was an imitation of another article, to wit, sugar, when, in truth and in fact, said article was not sugar or a sucrose product, but a mixture of sugar and saccharin; for the further reason that said label contained false and misleading statements in that the statement aforesaid, to wit, "Wood's Special Concentrated Sweetener 500," represented the article as five hundred times sweeter than sugar, which was untrue and false, as the article was composed of 34 per cent of sucrose, which reduced the sweetening power of the article to that degree; and for the further reason that said statement implied that the article was a sucrose product, while, in truth and in fact, it was not wholly a sucrose product, by reason of the mixture therein of a product, to wit, saccharin, to an extent of approximately 60 per cent.

On October 4, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*